

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A CORPORATION FROM REQUESTING A JUDGMENT OR ORDER THAT CONCEALS A DEADLY PUBLIC HAZARD; DEFINING "DEADLY PUBLIC HAZARD"; PROHIBITING A CORPORATION FROM CONDUCTING BUSINESS IN THIS STATE IF IT VIOLATES THE DEADLY PUBLIC HAZARD LAW; AND PROVIDING CIVIL PENALTIES FOR VIOLATIONS OF THE LAW."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Concealment of deadly public hazards prohibited -- penalty. (1) The purpose of this section is to protect the lives of Montanans from deadly public hazards.

(2) As used in this section, "deadly public hazard" means a hazardous substance, as defined in 50-30-201, or a product:

(a) that has caused the death of an individual in the state;

(b) the danger of which has been kept from public knowledge by:

(i) a judicial order or judgment that concealed information concerning the deadly public hazard and the judicial order or judgment was requested by or agreed to by the corporation responsible for the deadly public hazard; or

(ii) a written agreement or contract entered into pursuant to civil litigation that had the purpose or effect of concealing information concerning the deadly public hazard and the agreement or contract was requested by or agreed to by the corporation responsible for the deadly public hazard; and

(c) that has caused the death of two or more individuals in the state after it was kept from public knowledge in the manner set forth in subsection (2)(b).

(3) Subject to subsection (7), a corporation found to have manufactured, sold, distributed, or in any way caused or enabled a deadly public hazard to be in the state must be banned from doing business in the state.

(4) Subject to subsection (7), a corporation found to have manufactured, sold, distributed, or in any way caused or enabled a deadly public hazard to be in the state must be assessed a civil penalty in an amount equal to 100% of its net worth.

(5) The attorney general or any affected person, including but not limited to representatives of an individual whose death was caused by a deadly public hazard, has standing to bring an action pursuant to this section.

(6) The civil penalty assessed pursuant to subsection (4) must be distributed as follows:

(a) \$2 million to the estates of each of the victims of the deadly public hazard; and

(b) any remaining amount to the state general fund.

(7) Upon motion and good cause shown by a corporation attempting to prevent implementation of subsections (3) and (4), a jury shall determine whether the corporation may be allowed to avoid the implementation of subsections (3) and (4) by:

(a) adequately compensating the estates of all victims of the deadly public hazard;

(b) removing the danger to the public by:

(i) promptly notifying the public through television, newspapers, radio, billboards, the internet, and other appropriate means of the existence of the deadly public hazard;

(ii) removing the deadly public hazard from the state and, where appropriate, compensating owners for the reasonable value of the loss of the product; and

(iii) apologizing to the survivors of the victims of the deadly public hazard and to the public.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, and the provisions of Title 27, chapter 1, apply to [section 1].

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